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House OKs bill protecting gunmakers Legislation would stop S.F. lawsuit

[Richard B. Schmitt, Los Angeles Times](#)

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Washington -- The House passed legislation Wednesday to shield gun manufacturers and dealers from civil suits by crime victims, saying the industry was being unfairly targeted with frivolous litigation.

The legislation, which was approved by a vote of 285 to 140, would undercut more than a dozen lawsuits by cities, including one filed by San Francisco, seeking to hold gunmakers and distributors responsible for violence in their communities.

A growing number of suits by families of crime victims would also be affected.

In a sometimes emotional debate, the bill's Republican sponsors defended the legal protections, saying trial lawyers and anti-gun groups are using specious theories in court in an attempt to hold gunmakers liable for crimes and violence committed by others. The suits, which already have cost the industry more than \$100 million in legal fees, could ultimately dry up the supply of guns, infringing on gun owners' Second Amendment right to bear arms, they asserted.

"Where will our soldiers get the arms they need to protect our freedoms?" said Rep. Candice Miller, R-Mich. "From France? From Germany?"

The fate of a companion bill in the Senate is uncertain, although a majority of members there have announced their support for it.

On Tuesday, the Bush administration threw its support behind the legislation. "The manufacturer or seller of a legal, non-defective product should not be held liable for the criminal or unlawful misuse of that product by others," the administration said in a prepared statement.

Known as the "Protection of Lawful Commerce in Arms Act," the legislation "would help prevent abuse of the legal system and help curb the growing problem of frivolous lawsuits in the United States."

Critics said the lawsuits are anything but frivolous, and called the bill an egregious form of special-interest legislation.

They said the suits are beginning to unearth evidence that gun manufacturers have long known that some of their dealers sold guns to criminals. They said that court action is needed because there has been no serious legislative attempt to regulate industry practices, including "straw man" purchases of guns for felons who otherwise would be barred from owning guns under federal law.

Proponents said the bill would offer only "qualified legal immunity," and that distributors who sold guns to people who they knew were likely to use them "in a manner involving unreasonable risk of physical injury" to others could still be sued.

They argued that, in general, gunmakers shouldn't be sued where their products function "as designed and intended" -- just as automakers or makers of baseball bats are protected.

San Francisco, Los Angeles, Oakland, Berkeley and the other California cities filed a lawsuit in 1999 to recover millions of dollars spent treating gunshot victims and investigating gun-related crimes. Their model in tackling the formidable gun industry was the winning litigation that secured billions of dollars from the tobacco industry for state and local governments.

The gun lawsuit was dealt a blow last month when a state judge in San Diego dismissed the lawsuit against the nation's gun manufacturers.

Chronicle staff writer Ilene Lelchuk contributed to this report.

HOW THE HOUSE VOTED

The 285-140 roll call Wednesday by which the House voted to protect the firearm industry from lawsuits that allege links between gun marketing and street violence. A "yes" vote is a vote to pass the bill.

District/Member	Yes	No
1 Mike Thompson	X	
D-St. Helena		
3 Doug Ose	X	
R-Sacramento		
6 Lynn Woolsey		X
D-Petaluma		
7 George Miller		X
D-Martinez		
8 Nancy Pelosi		X
D-San Francisco		
9 Barbara Lee		X
D-Oakland		
10 Ellen Tauscher		X
D-Walnut Creek		
11 Richard Pombo	X	
R-Tracy		
12 Tom Lantos		X
D-San Mateo		
13 Pete Stark		X
D-Fremont		
14 Anna Eshoo		X
D-Atherton		
15 Mike Honda		X
D-San Jose		
16 Zoe Lofgren		X
D-San Jose		
17 Sam Farr		X
D-Carmel		
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